

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Onemata Corporation,

Plaintiff(s),

v.

Ashfaq Rahman, et al.,

Defendant(s).

2:23-cv-00785-JAD-VCF

ORDER

Before the Court is Onemata Corporation's ex parte motion to extend time to serve process. (ECF No. 45).

Plaintiff is requesting a 30-day extension to perfect service on Ashfaq Rahman and Sabira Arefin. *Id.*

Pursuant to Federal Rule of Civil Procedure 4(m), "[i]f a defendant is not served within 90 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." "The 90-day time limit imposed by Rule 4(m) expires 90 days after the first complaint in which the defendant is named..." is filed. *Bolden v. City of Topeka*, 441 F.3d 1129, 1148 (10th Cir. 2006)(emphasis added). The 90-day time limit for service does not restart each time a plaintiff files a new amended complaint. *Id.* The district court may extend time for service of process retroactively after the 90-day service period has expired. See *Mann v. American Airlines*, 324 F.3d 1088, 1090 (9th Cir.2003).

The complaint was filed on May 19, 2023. The deadline to effectuate service of process was August 17, 2023. *Id.*; Fed. R. Civ. P. 4(m). Plaintiff states that the process server has made numerous

1 attempts to serve defendant at their last known addresses, but service was unsuccessful. Plaintiff is
2 requesting an additional 30 days to perfect service on defendants.

3 The time to effectuate service upon defendant expired on August 17, 2023, and plaintiff must make
4 a showing of good cause or excusable neglect in order for the court to extend this deadline for an
5 appropriate period. *See* Fed. R. Civ. P. 4(m); *Lemoge*, 587 F.3d at 1198; *Mann*, 324 F.3d at 1090 (the
6 court may extend the deadline for service of process retroactively).

7 Here, the court finds that good cause warrants extending the service of process deadline.

8 Accordingly, and for good cause shown,

9 IT IS ORDERED that Onemata Corporation's ex parte motion to extend time to serve process (ECF
10 No. 45), is GRANTED. The time to perfect service is extended to and including October 17, 2023.

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12 DATED this 21st day of August 2023.

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14 CAM FERENBACH
15 UNITED STATES MAGISTRATE JUDGE
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